

100761
AN ORDINANCE

APPOINTING NICK R. DOMINGUEZ, YVONNE R. GONZALES, JUDITH ANN GRAY, AND JOHN CLAY SCHLINKE, AND REAPPOINTING LAURA I. HAUSMAN TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER TWELVE, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE PLAZA FORTUNA PROJECT, FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2005, TO EXPIRE DECEMBER 31, 2006, IN ACCORDANCE WITH THE TEXAS TAX CODE, CHAPTER 311, THE TAX INCREMENT FINANCING ACT, AND THE CITY CODE, CHAPTER 2, ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; PROVIDING FOR THE WAIVER FOR THESE TERMS ONLY OF SECTION 2-402 OF SAID ARTICLE FOR EACH APPOINTEE AND OF SECTION 2-403(C) FOR LAURA I. HAUSMAN

* * * * *

WHEREAS, the City of San Antonio ("City") received a petition by HLH Development, the owner representing over 50% of the value of the property in an area commonly referred to as the Plaza Fortuna Project, requesting that the area be designated as a Tax Increment Financing Reinvestment Zone ("TIRZ") to help fund public improvements and promote economic development within the Zone; and

WHEREAS, pursuant to Ordinance Number 95054, passed and approved on December 13, 2001, City Council authorized the designation of the Plaza Fortuna Project as Reinvestment Zone Number Twelve, City of San Antonio, Texas ("Zone") and established a Board of Directors for the Zone (hereinafter "Board"); and

WHEREAS, the Tax Increment Financing Act ("The Act") provides that the Board consists of nine members, unless a greater number is necessary in order to meet the requirements of the Act; currently the Board consists of eleven members, five of whom are City appointees, three are County appointees, one is an Alamo Community College District appointee, and two are the state legislators in whose districts the TIRZ lies, or their designees; and

WHEREAS, on December 16, 2004, City Council passed and approved Ordinance Number 100199, which amended Chapter 2 of the City Code of the City of San Antonio ("City Code"), by adding Article VIII, entitled "Boards and Commissions" which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council; and

WHEREAS, it has been and continues to be the City's policy to subject all TIRZ boards to the boards and commissions policies of the City, except as provided otherwise by state law; and

WHEREAS, due to the unique nature of TIRZ boards, and in an effort to comply with the amended City Code, staff requests that for these terms only, these appointees to this board be exempted from Section 2-302 of the City Code, regarding the process for at-large appointees to boards and commissions and that Laura I. Hausman be exempted from Section 2-403(c), regarding the requirement that all board appointees be residents of the City; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. Nick R. Dominguez, Yvonne R. Gonzales, Judith Ann Gray, and John Clay Schlinke are hereby appointed and Laura I. Hausman is hereby reappointed to the Board of Directors for Reinvestment Zone Number Twelve, City of San Antonio, Texas, commonly referred to as the Plaza Fortuna Project, for two-year terms beginning January 1, 2005, and expiring December 31, 2006.

Section 2. The above appointees to the Tax Increment Reinvestment Zone Number Twelve Board of Directors are required to comply with all applicable City Code provisions, City ordinances, Charter provisions, state law and federal law including the requirement to submit an annual Financial Disclosure form, the Texas Open Meetings Act, Charter provisions on Holdover, and Chapter 2, Article VIII of the City Code, except that, for these terms of office only, City Code Section 2-402 (at-large appointment process) shall not apply to these appointees and Section 2-403(c) (residency requirement) shall not apply to Laura I. Hausman.

Section 3. It is hereby found that the above appointees are at least eighteen (18) years of age, and eligible voters of the City of San Antonio; or are owners of real property in the Zone, or are an employee or agent of a person who owns real property in the Zone, and thereby meet the requirements of the Tax Increment Financing Act in effect at the time the Zone was created.

Section 4. This ordinance shall be effective on the tenth day after passage hereof.

PASSED AND APPROVED this 28th day of April 2005.

ATTEST: *Leticia Y. Valle*
City Clerk

EDG
M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM: *Jim Zentgraf*
for City Attorney